

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BEN COLE BUCKLES, SR.,

Defendant.

CR-17-66-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 2, 2023. (Doc. 47.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on February 27, 2023. (Doc. 43.) The United States accused Ben Buckles, (Buckles) of violating his conditions of supervised release 1) by failing to report for substance abuse testing; 2) by failing

to report for substance abuse treatment; 3) by viewing materials depicting sexually explicit conduct; 4) by failing to report for sex offender treatment; 5) by being in the company of a child under the age of 18; 6) by failing to maintain full time employment; 7) by using marijuana; and 8) by failing to complete his sex offender treatment program. (Doc. 40.)

At the revocation hearing, Buckles admitted that he had violated the terms of his supervised release 1) by failing to report for substance abuse testing; 2) by viewing materials depicting sexually explicit conduct; 3) by failing to maintain full time employment; 4) by using marijuana; and 5) by failing to complete his sex offender treatment program. The Court dismissed alleged violations 2, 4 and 5 on the government's motion. (Doc. 43.) Judge Johnston found that the violations Buckles admitted to be serious and warranted revocation, and recommended revocation of Buckle's supervised release and recommended a custodial sentence of 3 months, with 57 months supervised release to follow. (Doc. 47.) Buckles was advised of his right to appeal and his right to allocute before the undersigned and waived those rights. (Doc. 43.) The violations prove serious and warrant revocation of Buckle's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 47) are **ADOPTED IN FULL. IT IS FURTHER**

ORDERED that Defendant Ben Cole Buckles be sentenced to the Bureau of Prisons for 3 months, with 57 months supervised release to follow.

DATED this 7th day of March, 2023.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Brian Morris, Chief District Judge
United States District Court